

AMENDED IN SENATE JUNE 28, 2001

AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1679**

**Introduced by ~~Committee on Labor and Employment (Romero (Chair), Koretz (Vice Chair), Goldberg, and Shelley)~~ Assembly Member Shelley**

February 28, 2001

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~~An act to amend Sections 514 and 554 of the Labor Code, An act to amend Section 7034 of the Business and Professions Code, relating to labor contractors.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1679, as amended, ~~Committee on Labor and Employment Shelley. Employees' working conditions~~ Contractors.

*Existing law, the Contractors' State License Law, prohibits a licensed contractor from inserting a provision in a contract that shields the contractor from liability when that provision has been determined to be void or unenforceable.*

*This bill would additionally prohibit a licensed contractor from using employees to perform any work on a contract or act requiring a license unless those employees are solely and exclusively the employees of the contractor or the employees of another licensed contractor responsible for supervising their work. This bill would not apply to employees of a public agency performing work on a public works project.*

~~Existing law provides that an employee covered by a valid collective bargaining agreement that covers the wages, hours of work, and~~

working conditions, and provides for a rate of pay for overtime hours worked, as specified, is not subject to a specific chapter relating to working hours and working conditions.

This bill would provide instead that the employee is not subject to specified code sections relating to compensation for overtime work and authorizing the adoption of an alternative workweek schedule.

~~This bill would make a corresponding change in a provision that provides that, with specified exceptions, employees are entitled to one day's rest in 7 days of labor, and an employer may not cause his or her employees to work more than 6 days in 7.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1.—Section 514 of the Labor Code is amended to~~  
2     ~~read:~~

3     ~~514.—Sections 510 and 511 do not apply to an employee~~  
4     ~~covered by a valid collective bargaining agreement if the~~  
5     ~~agreement expressly provides for the wages, hours of work, and~~  
6     ~~working conditions of the employees, and if the agreement~~  
7     ~~provides premium wage rates for all overtime hours worked and~~  
8     ~~a regular hourly rate of pay for those employees of not less than~~  
9     ~~30 percent more than the state minimum wage.~~

10    ~~SEC. 2.—Section 554 of the Labor Code is amended to read:~~

11    ~~554.—(a) Sections 551 and 552 shall not apply to any cases of~~  
12    ~~emergency nor to work performed in the protection of life or~~  
13    ~~property from loss or destruction, nor to any common carrier~~  
14    ~~engaged in or connected with the movement of trains. This~~  
15    ~~chapter, with the exception of Section 558, shall not apply to any~~  
16    ~~person employed in an agricultural occupation, as defined in Order~~  
17    ~~No. 14-80 (operative January 1, 1998) of the Industrial Welfare~~  
18    ~~Commission. Nothing in this chapter shall be construed to prevent~~  
19    ~~an accumulation of days of rest when the nature of the employment~~  
20    ~~reasonably requires that the employee work seven or more~~  
21    ~~consecutive days if in each calendar month the employee receives~~  
22    ~~days of rest equivalent to one day's rest in seven. The requirement~~  
23    ~~respecting the equivalent of one day's rest in seven shall apply,~~  
24    ~~notwithstanding the other provisions of this chapter relating to~~  
25    ~~collective bargaining agreements, where the employer and a labor~~

1 organization representing employees of the employer have entered  
2 into a valid collective bargaining agreement respecting the hours  
3 of work of the employees, unless the agreement expressly provides  
4 otherwise.

5 ~~(b) In addition to the exceptions specified in subdivision (a),~~  
6 ~~the Chief of the Division of Labor Standards Enforcement may,~~  
7 ~~when in his or her judgment hardship will result, exempt any~~  
8 ~~employer or employees from the provisions of Sections 551 and~~  
9 ~~552.~~

10 *SECTION 1. Section 7034 of the Business and Professions*  
11 *Code is amended to read:*

12 7034. (a) No contractor who is required to be licensed under  
13 this chapter shall insert in any contract, or be a party, with a  
14 subcontractor who is licensed under this chapter to any contract  
15 which contains, a provision, clause, covenant, or agreement which  
16 is void or unenforceable under Section 2782 of the Civil Code.

17 (b) No contractor who is required to be licensed under this  
18 chapter shall require a waiver of lien rights from any  
19 subcontractor, employee, or supplier in violation of Section 3262  
20 of the Civil Code.

21 (c) *No contractor who is required to be licensed under this*  
22 *chapter shall perform any act or contract that requires a license*  
23 *unless all employees performing that work are solely and*  
24 *exclusively the employees of the contractor during the time the*  
25 *work is performed, or the employees of another licensed*  
26 *contractor who is responsible for supervising their work. This*  
27 *subdivision shall not apply to employees of a public agency*  
28 *performing work on a public works project.*